G. R. S. IX-5]

Previous references.

File No. 133

1920.

Serial Nos. 1-5

(Nil)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B for F.G-21

SUBJECT.

Application for revision of the Government order No 146-E dated 38-7-19-4 & 15-7-21 appointing Jamadhar as Khazi of Maddagiri in place of Rafiulla

---

2744-46 & 12-2-21

The Deputy Commissioner Tumkur forwards letter and Khazai Superintendent declines to reconsider the G.O. appointing Jamadhar as Khazi of Maddagiri

WD 2233—GPB—20,000—14-6-26

G.R.S 11 1920/

GENERAL AND REVENUE SECRETARIAT.

(Mug)

NOTES.

File No. 133-20

FILE HEADING.

~~Revision~~ Application for review of the Govt. order no. 146-8/Mug 387-19-4 Dt 15-7-20 appointing one Jamaluddin as Khaji of Maddagiri in preference to Raffiuddin.

From

Khaja Mahomed Raffiuddin through his Advocate Mr N. Narasimhiengar.

No. Petr Dated 4-9-20 Received 4-9-20

Diary No. 551	Enclos. 1 (vakalat) Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests for a review of the Govt. order of 15th July 1920 appointing one Jamaluddin as Khaji of Maddagiri in preference to the Petr, who has been holding the office for the last 9 years.

NOTES AND ORDERS.

After going carefully into the facts of the case and considering all the sides of the question and the claims of both Raffiuddin & Jamaluddin to the vacant office, the G.O. no. 146-8/Mug 387-19-4 Dt 15-7-20 appointing the latter claim

NOTES—First Sheet.

GPB- 35,000—15 6 12

Serial No.

to the office was issued - This decision of Govt was mainly based on the votes given by the majority of the congregation at Maddagiri in favour of Jamaluddin -

2. The appointment of Rafiuddin to the office in 1912 was only a temporary one to last till the life-time of Mahomed Hasein the last officeholder - So, the contention that he should not have been disturbed does not appear to be tenable -

3. In para 8, it is contended that the office is a hereditary one and a fresh appointment should not have been made in contravention of the Mahomedan law and by taking votes. This point has also been considered in the previous file - vide para 2 of note in Mur 387-09

4. In para 4 of the petn, it is stated that Jamaluddin has been given the office of Khaji of Chennarayadurg & that he has no right to the Maddagiri office - A report on this point may, perhaps, be necessary from the D.C -

5. The petn urges, for the reasons set forth by him, for a reconsideration of the order after hearing both parties and prays that the order requiring

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat. | Misc. File No. 133 of 1920

Serial No.

to handover charge may be kept in abeyance till then?

6. As no new grounds, except perhaps para 4 of the petn & that the question should not be decided by means of votes, have been brought out, a stay order does not appear to be necessary.

Subd for orders.

8/9. 7.9.20. A stay order does not seem to be called for now. All possible precautions were taken to ascertain the wishes of the Muhammadan Congregation of Maddagiri in the matter. The votes of the Maddagiri Mussalman public were taken, and the present Khazi Jamaluddin had the largest No of votes, out of all proportion to the no secured by his rival Claimant.

3. Said reference is invited to the 3rd Members' Minute dt 5.3.20 in the subject in the reference &c.

8/9 7/9/20

For Orders
Asst Sy

Worn)

× In fact the rival Claimants' people did not vote at all as they were sure the matter would be decided by those of the non-popular Mussalman Jamaluddin

NOTE—Contn. sheet

R. S. III-2]

General and Revenue Secretariat.

File No. 132 of 19

Serial No.

698. 283
6.9.20.

Second Member) W/ 8/9/20

9. No stay order is asked for. The case was carefully considered in all its aspects before orders were finally passed. No new facts have been put forward in the Review petition. Point before it is put then considered the D.C may be asked for an early Report on the point specified in para 4 of it.

Rell
11.9.20

10. Draft
AMT
11-9-20

11. Two drafts one to the D.C and the other to the Advocate, are submitted for approval.

SD
21.9.20

Rd
21.9.20

Sec-I

AMT 23/9/20

12. Issued W/ 24/9/20
AMT

2. To. by. Comm. Tuticorin No. 1230 dt. 30-9-20. for perusal & calls for detailed report on the various points urged therein

No. 1231 - Despatch of the order to the Advocate-General for

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat.

Any File No. 133 of 1920.

Serial No.	
3	From the D. C. Tumkur., Letter No. H.C.(Rev) 20-21 dt 3-1-21

Forwards the Amildar's report in the matter of the Maddagiri Khajiship & States, with reference to para 4 of the petn of Raffiuddin, that the document executed at the time by the deceased Khaji does not in any way deprive the right of the petitioner Jamaluddin to the Khajiship of Maddagiri & further that it is only a private understanding & cannot, therefore, affect Jamaluddin's claim to the office; and requests early orders in the matter.

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat.

File No. 133 of 19

Serial No.

Gj Nawas.

14 [illegible]

15 The Amildar, Sub Dy Officer and the Dy Collr. are unanimous in proposing that early trial orders should be passed in the matter. Jamaluddin has been appointed Khoji on probation for one year on *15.7.20 and probably the trial ordered required in the order confirming him in his office as Khoji. The opposite party will be giving trouble till this is done and uncertainty moving the Govt. in the matter.

16 Mere is still time for the period of probation to close. May the office be confirmed so far as the opinion of the local officers is concerned that Jamaluddin has given satisfactory work

RG
12.12.21

*G.O. No. 146-8
Mar 387-19-4
By 15.7.20

H C

NOTE—Contn. sheet

R. S. III-2]

General and Revenue Secretariat.

Mwr File No. 183 of 1920.

Serial No.

17 Under G.O. of 15th July 1920 (Pl. c in File 387-19), Jamaluddin has been appointed an Interpreter for one year.

18 The Dy may review his recommendation at the end of the period. For order

Chitty 15/

Dewey)

19 The question for decision is whether the G.O. dated 15 July 1920 appointing Jamaluddin as Interpreter for one year requires to be cancelled. The Dy Commr finds that there are no grounds and reference is also invited to para 19 supra.

20 The question of confirmation may be taken up at the end of the stipulated period.

Second Member) W/ 17/1/21

I agree

24.1.21

Draft 24/1/21

37L2-25

18.1.21.

NOTE—Comm. sheet

R. S. III-2]

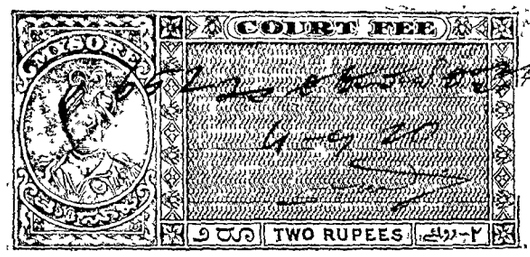
General and Revenue Secretariat.

Mg File No. 133 of 1920

Serial No.	
	Two drafts are subd.
	SD, SK 2/2/21 7/2/21 Issue 4/2/21
4	[illegible]
5	[illegible]

NOTE—Contn. sheet

DIARY No. 5.5.1



Pennukkaya
N. Narayanankutty
11/4/21

1.1.22
1339-20
H.C. In the Court of the Commissioner Hts. Ct,
Thalassery

Rev Pet 9/20/21

Govt. Order (Rejn. Maddapini (Khaji's Office)) No. 1146-8
dated 15th July 1920
Irrigation 387-19.

Pet
Khaji Rapiddeen Sahib
Residing in Maddapini

Opp.
Jamaluddin Sahib
Residing in Maddapini

The Pet above named begs to present this Petition to this Honble Court praying for a Review of the order of Govt. on the following among other grounds:——

1. That Pet Rapiddeen Sahib was nominated (the deceased Khaji Ibrahim Kharami who died childless, during his lifetime & after the Survey of all the Mussalmans of the place including the Opp. on a Panchayath of 14.11.1911 & was appointed Khaji of Maddapini on 29.1.12 by Provisional Munsiff's order No. 866 of 29.1.12
2. That every claim & dispute that might have existed was then fully enquired into & the matter finally settled (the appointment of 29.1.12 & since that time, for the last 9 years the Pet has been doing the duties of Khaji to the entire satisfaction

of Government & the people concerned.

3. That Peer belongs to the Khoja family being related to the deceased spiritual as his father's cousin & the deceased wife, as distinguished from the offt who was born of a Mekki wife, and Peer is in every way fit & learned to fill the place.

4 That previously the branches which the deceased Khoja & the offt belonged had their rights to the Khojaship appointment (the offt's family being given Chamaravaradhi Khojaship to this offt has to rest content with the right that lies in the Vatte of a hair.

5. That the matter having been settled (the appointment of a successor to the office by the previous holder during his lifetime (Waqf) is Canonical to be respected under the Muhammadan law & this appointment taken away.

6. That by the death of the Khoja Peer and Khoja the Register ought automatically to be made in the name of Peer as he was previously appointed during the lifetime of the deceased Khoja & he was doing the duties for the last 9 years.

7 That there was no reason whatever to reopen the question of his succession after the death of the late Peer and the

except it is that owing to factions in this place the office has been set up.

8 That the succession to the place of Khaja is a hereditary right, devolved as a trust under the Mohamedan Law under the direction of the previous holder of the office & as such Govt have some authority in ordering a fresh appointment of the taking of votes.

9. That this step is such as to alter the very Constitution & to introduce a new system of appointment which never obtained in the Community.

10. That for the taking of votes, the qualification of voters and all necessary rules thereto have not been framed & hence the voting that is alleged to have taken place could not be satisfactory - more especially the necessary knowledge was not brought to the voters & there was not given sufficient opportunity to the last all concerned attended for the purpose of voting.

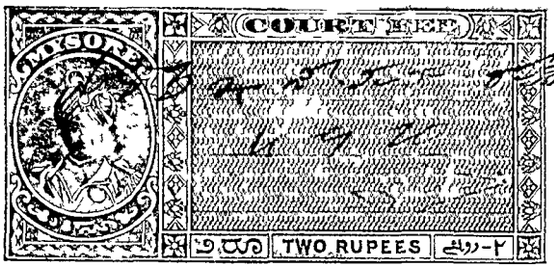
11. That in fact, all from that was interested in the Fair distributed from voting and the whole matter went one sided

12. That for the foregoing reasons Petr prays that the whole matter may be reconsidered after hearing both sides & suitable orders passed after perusing the Order of Govt.

13. That Petr further prays that pending disposal of this Petition, the order passed requiring Petr to hand over charge may be kept in abeyance.

(Khaja Mohamed Rafiuddin)

Bangalore
4-9-20



ಕೋರ್ಟಿಗೆ.

19 ೨೦— ೨೪. ನೆ ನಂಬರು.

ಪಾದಿ-ಊಕಾ ಅರ್ಜಿದಾರ್. ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್.

VS.

ಮ|| ರಾ||.....ಯವರಿಗೆ.

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅವ್ಯೆರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕುಮೊಬಲಗು ಸಹಾ ಪಡಿಯಲಿಕ್ಕೂ, ನನಗಾಗಿ ರೀಫಂಡ್ ಆಗತಕ್ಕ ಸ್ಟಾಂಪನ್ನು ಪಡಿಯಲಿಕ್ಕೂ ದಸ್ತ್ವೆವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ, ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೊ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ದನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು 4.9.20 ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯ ಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು .ಮಾಡಿರುತ್ತಾರ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.

4/9/20

☞ ಈ ಫಾರಂ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ೨೬೬ ನೆ ನಂಬರು ಪ್ರಾಪ್‌ಕೀವರ್ (ಹೆಚ್. ಬಿ. ಚಿಕ್ಕಣ್ಣಶೆಟ್ಟರಲ್ಲಿ) ದೊರೆಯುತ್ತೆ.

V. Sangha Press

50.0

20--21

Misc 2

C. No. 183/1

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE,
Bangalore 26th August 1920

Madhavji Khoji

ST

31/8/20

Petition, as shown below, to His Highness the Maharaja is transferred to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, ... Department, Bangalore, for disposal.

Maddagiri Khoji file

No. 158. of 1920-1

The Maddagiri Khoji file with the Dy Comr's report is annexed. This will be placed in the file.

24/11/20

By Order,

Private Secretary
to His Highness the Maharaja of Mysore.

GBPM—1,000—5-4-20.

Superd Esplanade Asst
1-12-20

1/12

ಅಂತಿಮ ಹಂತದ ಸಮಾಲೋಚನೆಯಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷ
ಮತ್ತು ಸಂಯುಕ್ತ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷಗಳ ಮುಖಂಡರುಗಳು
ಆಯಾ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಸಂಸತ್ ಮತ್ತು ವಿಧಾನಸಭೆ ಚುನಾವಣೆಗಳಲ್ಲಿ
ಸ್ಪರ್ಧಿಸುವ ಅಭ್ಯರ್ಥಿಗಳ ಆಯ್ಕೆ ಮಾಡಿದ್ದಾರೆ. ಈ ಅಭ್ಯರ್ಥಿಗಳ
ಪಟ್ಟಿಯನ್ನು ಕೇಂದ್ರ ಚುನಾವಣಾ ಸಮಿತಿಯ ಮುಂದೆ ಇಟ್ಟು
ಅಂತಿಮ ಒಪ್ಪಿಗೆ ಪಡೆಯಲಾಗುವುದು. ಈ ಸಮಿತಿಯ ಸಭೆಯು
ಇಂದು ಸಂಜೆ ೫ ಗಂಟೆಗೆ ಪ್ರಧಾನಿಯವರ ನಿವಾಸದಲ್ಲಿ
ನಡೆಯಲಿದೆ. ಈ ಸಭೆಯಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ ಅಧ್ಯಕ್ಷರು ಮತ್ತು
ಪ್ರಧಾನಿಯವರು ಭಾಗವಹಿಸಲಿದ್ದಾರೆ. ಸಭೆಯಲ್ಲಿ ಅಭ್ಯರ್ಥಿಗಳ
ಪಟ್ಟಿಗೆ ಅಂತಿಮ ಒಪ್ಪಿಗೆ ಸಿಕ್ಕಿದ ನಂತರ ಅಭ್ಯರ್ಥಿಗಳ
ಹೆಸರನ್ನು ಘೋಷಿಸಲಾಗುವುದು. ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ
ಅಧಿಕೃತ ಮೂಲಗಳು ತಿಳಿಸಿವೆ.

ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಅಧಿವೇಶನ ಇಂದಿನಿಂದ ಆರಂಭ

ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಅಧಿವೇಶನ (National congress)
ಇಂದಿನಿಂದ ಆರಂಭವಾಗಲಿದೆ. ಈ ಅಧಿವೇಶನದಲ್ಲಿ
ಪಕ್ಷದ ಅಧ್ಯಕ್ಷರ ಆಯ್ಕೆ ಮಾಡಲಾಗುವುದು. ಈ ಅಧಿವೇಶನದಲ್ಲಿ
ಸುಮಾರು ೫೦೦ ಪ್ರತಿನಿಧಿಗಳು ಭಾಗವಹಿಸಲಿದ್ದಾರೆ.

Total Signature

submitted by [illegible]
26.1.20

submitted to the Municipal Secretary

[illegible]
26.1.20

31/1/21

In The Court of The Councillors to
His Highness The Maharaja
of Mysore

Pet[n] No 1231 / Mof 133-20-2 dated 30-9-20.

Petitioner Hajee Mohamed Rafiudin
of Maddagiri

Opponent. Jamaluddin Maddagiri

The Petitioner humbly begs to state as follows -

1. That his petition before government filed on 4-9-20 is still pending disposal
2. The Petitioner learns that the Report called for from the Deputy Commissioner is submitted and the matter is ripe for disposal.
3. That the Opponent is locking up the Masjid and is preventing the generality of people from attending to their prayers
4. That there has been Criminal Cases instituted between the Contending parties and people are put to much inConvenience by the high-handed action

of the abatement

5 That in the interest of the general peace in the Community, early disposal of the Petitioners petition is necessary.

The Petitioner, therefore, respectfully prays that this Hon Court may be pleased to hear the Petitioners Counsel at an early date and dispose of the petition

رجوع تا فی محمد شیخ الدین

25/1/1921

G.R.S. 26]

Rizcai

File No 133-20

Serial No. 2

Diary No. of letter replied to 501

No. 1230 Secretariat

General and Revenue Secretariat

( )

, the 19

To

Sir

Date of issue 30.1.20

Signed by

on that referred to in para 4 of the appeal petition

Especially

Ufaull?

Atta

23/1/20

over.

SUBJECT.

1231 & 30

To

M. Venkatarangaya Yogi B.A.B.L.,

Advocate, Bangalore

Sir,

With reference to the
Vakalat petition No. 20 of 1909 presented by you on behalf of
Khaji Mahomed Rafiuddin residing
at Madagiri, I am directed to inform you
that Govt consider that an
order directing the holding in
abeyance of the sale already
issued in the case is not called for.

2. I am to add, however,
that your memorandum to the Dy. Comr. for
stay of the various sales will
be considered by

I have etc

Secy. to Govt

List of enclosures,

Copied by

Examined by

GPB—6,000—1.5.09

1920-21

1411

20-21
Mesr
133-20
3

From The [illegible]

To [illegible]

Dated the 3rd January

Despatched

Received

General No. HC (NW) 320/20 21
No.

Enclosure No 4 & 5.

[illegible]

[illegible]

[illegible]

[illegible]

Mesr
133-20
3

[illegible]

Office of the Deputy Commissioner

Tumkur District,
31st December 1920
Dated Tumkur, the ~~3rd January~~ 1921

From

Ananda Rao Birsi, Esquire, B.A.,LL.B.,

Deputy Commissioner, Tumkur District.

To

T.E.Jayaram Iyer, Esquire, B.A.,B.L.,

Secretary to the Government of His Highness the

Maharaja of Mysore, Muzrai Department,

BANGALORE.

Sir,

With reference to your letter No.1230/Muz.133-20-2 dated the 30th September 1920 forwarding a petition received from Mahamad Raffiuddin for review of Government order No.146-8/Muz.387-19-4 dated the 15th July 1920 for report, I have the honour to submit herewith the entire file of vernacular records on the subject with the petition enclosed to the reference under reply and to state as follows:-

2. The Maddagiri Amildar's report No.395 dated 23rd December 1920 herein enclosed(submitted by the Sub Division Officer, Maddagiri with his Memo No.H.C.R.80/20-21 dated the 25th December 1920) is quite exhaustive and relates to all the points urged in the petition.

3. Special reference has been made by you to para 4 of the petition and the Amildar's report on this point is also clear in-as-much as the document executed at the time by the deceased Khaji does not in any way deprive the right of the opponent Jamalluddin to the Khaji-ship of Maddagiri and further it is only a private understanding and it can not therefore affect the opponent's rights to any extent.

4. Since ample opportunity had been given to the petitioner to represent his own claims to the Khajiship in question and as Jamaluddin'

Jamaluddin's appointment to the post was accepted by the majority of the Mahamadan population (as seen from the records) the petitioner's complaint on this point also is quite groundless.

5. In these circomstances, I request that early orders of Government may be obtained in the matter, as it is learnt that the petitioner's party is unnecessarily creating disturbance in the Masjid during the prayer time.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Tumkur District.

G.R.S. 28] 280 of 19

File No. 131-20

Serial No. 1

Diary No. of letter replied to 1

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

, *the* 191

Date of issue

Signed by

READ—

ORDER THEREON.—No.

SUBJECT.

over

~~H. A. Marakayar~~, praying for a review of the above order ~~of~~ (Govt.) on the grounds (1) that the office being a hereditary one, it should ~~be~~ not have been filled up by taking votes, in contravention of the Mohammadan Law and (2) that Jamaluddin having been given the office of Khaji of Chemmaya-Durg, he has no right to the Maddagiri Khaji office.

3) Correspondence ending with letter no. Mc (Rev) 320 of 20-21 dt. from the D. C. dated 3-1-21 stating that as the petitioner was given ample opportunity to represent his own claims to the Khajiship and Jamaluddin appointed to the post with the concurrence of the majority of the Mahamadan population there and as the right of Jamaluddin to the Khajiship of Maddagiri is not in any way affected by his holding the office of Khaji

In the Matter

G.I.P.—20,000—2-10-11

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

2 Drafts

G. R. S. 26]

Three

File No. 133 2

Serial No. 5

Diary No. of letter replied to ...14.11...

No.

General and Revenue Secretariat

(Rev)

, the *191*

To

Mohamed Raffiuddin of
Maddegiri Via Hsr. Dt.

Date of issue .....

Signed by.....

With reference to his review petition 3-11-20 preferred ~~through~~ his Advocate Sri K. Rai Sinhegar ~~and from the petn. 3.20-21~~ praying for a reconsideration of the G.O. No. 166-3 Fin. 25-7-20 in the matter of Maddegiri, Md Raffiuddin, Maddegere ~~in which a first appeal~~ ~~was preferred~~ to reconsider the ~~review petition~~ on the original question.

over.

SUBJECT.

Under Secy
Secretary
Rev. Dept.